**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

089-999

In re Application of: Kenneth Tucker, et al

Application No.: 09/813,214

Filed: March 20, 2001

For: Moraxella Catarrhalis Outer Membrane Protein-106 Polypeptide, Gene Sequence and Uses Thereof

The owner\*, Antex Biologics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 08/642,712, filed on May 3, 1996, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

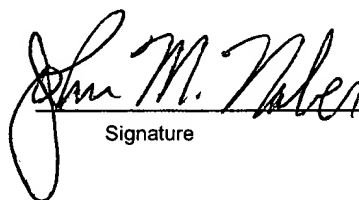
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2. ☒ The undersigned is an attorney or agent of record.

 14 July 2004  
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John M. Naber (Reg. No. 46,487)

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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